

House File 354 - Introduced

HOUSE FILE 354

BY HIGHFILL

(COMPANION TO SF 181 BY
PETERSEN)

A BILL FOR

1 An Act requiring the payment of certain out-of-state education
2 expenses for students requiring medical treatment and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **282.28 Payment of out-of-state**
2 **instructional costs — approval — appeal.**

3 1. The district of residence of a child who does not require
4 special education under chapter 256B shall pay for the actual
5 instructional costs of the child during any period of time that
6 the child is at a location outside the boundaries of the state
7 and receiving medically necessary treatment if such treatment
8 makes continuing the child's education through independent
9 coursework, homework, or supplemental educational materials
10 insufficient to provide for the appropriate education of the
11 child.

12 2. For purposes of this section, "*instructional costs*"
13 means the cost of tutoring or mentoring conducted in person
14 or over the internet for courses or subjects of instruction
15 that the child is currently enrolled in within the district of
16 residence.

17 3. A request for payment of instructional costs under this
18 section shall be submitted in writing, on forms prescribed by
19 the department of education, to the board of directors of the
20 district of residence by the child's parent or guardian. In
21 addition to information required to demonstrate the criteria of
22 subsection 1, the request shall specify the persons from whom
23 tutoring or mentoring services are being sought, the courses or
24 subjects of instruction such services will cover, the estimated
25 duration and time periods for such services, and the estimated
26 cost, including any applicable hourly rates, of such services.
27 The board of directors may approve payment for all or a portion
28 of the instructional costs or may disallow the request. The
29 decision of the board of directors shall be issued within
30 thirty days after the board receives all information required
31 to be included with the request. Unless impracticable, the
32 approved instructional costs shall be paid directly from the
33 district's general fund to the person providing the tutoring or
34 mentoring services. In all other cases, the parent or guardian
35 shall be reimbursed for approved instructional costs incurred.

1 4. If the board of directors disallows the request of a
2 parent or guardian under this section, the board shall indicate
3 the reasons for such disallowance and notify the parent or
4 guardian that the decision of the board may be appealed to the
5 director of the department of education. An appeal of the
6 board of directors' decision must be filed with the director of
7 the department of education within ten days of the decision.
8 The director, or the director's designee, shall attempt to
9 mediate the dispute to reach agreement by both the parent or
10 guardian and the board of directors. Mediation between the
11 board of directors and the child's parent or guardian shall
12 be completed within ten days following the date the appeal is
13 filed with the director of the department of education. If
14 agreement is not reached under mediation, the director or the
15 director's designee shall conduct a hearing and within ten days
16 following the hearing, render a decision upholding, reversing,
17 or modifying the decision of the board of directors. The
18 decision of the director may be appealed to the state board of
19 education under chapter 290.

20 5. A child that meets the criteria for the payment of
21 instructional costs under subsection 1 shall continue to be
22 treated as a pupil of the district of residence for state
23 school foundation aid purposes under section 257.6.

24 6. The state board of education shall adopt rules necessary
25 to implement this section.

26 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
27 with section 25B.2, subsection 3, the state cost of requiring
28 compliance with any state mandate included in this Act shall
29 be paid by a school district from state school foundation aid
30 received by the school district under section 257.16. This
31 specification of the payment of the state cost shall be deemed
32 to meet all of the state funding-related requirements of
33 section 25B.2, subsection 3, and no additional state funding
34 shall be necessary for the full implementation of this Act
35 by and enforcement of this Act against all affected school

1 districts.

2 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 immediate importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill requires the district of residence of a child
8 who does not require special education to pay for the actual
9 instructional costs of the child during any period of time that
10 the child is at a location outside the boundaries of the state
11 and receiving medically necessary treatment if such treatment
12 makes continuing the child's education through independent
13 coursework, homework, or supplemental educational materials
14 insufficient to provide for the appropriate education of the
15 child. The bill defines "instructional costs" to mean the
16 cost of tutoring or mentoring conducted in person or over the
17 internet for courses or subjects of instruction that the child
18 is currently enrolled in within the district of residence.

19 The bill requires a request for payment of instructional
20 costs to be submitted by the child's parent or guardian to
21 the board of directors of the district of residence. In
22 addition to information required to demonstrate the criteria
23 to be eligible for the payment of the instructional costs,
24 the request must specify the persons from whom tutoring or
25 mentoring services are being sought, the courses or subjects of
26 instruction such services will cover, the estimated duration
27 and time periods for such services, and the estimated cost,
28 including any applicable hourly rates, of such services. The
29 board of directors may approve payment for all or a portion
30 of the instructional costs being requested or may disallow
31 the request. The decision of the board of directors must be
32 issued within 30 days after the board receives all information
33 required to be included with the request. The bill establishes
34 mediation and appeal procedures in the event the request is
35 disallowed by the board of directors.

1 The bill may include a state mandate as defined in Code
2 section 25B.3. The bill requires that the state cost of
3 any state mandate included in the bill be paid by a school
4 district from state school foundation aid received by the
5 school district under Code section 257.16. The specification
6 is deemed to constitute state compliance with any state
7 mandate funding-related requirements of Code section 25B.2.
8 The inclusion of this specification is intended to reinstate
9 the requirement of school districts to comply with any state
10 mandates included in the bill.
11 The bill takes effect upon enactment.